

U.S. DISTRICT JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ZACHARY DUCKWORTH,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

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) CIVIL NO. 3:23-cv-06107-RSM
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) ORDER
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This matter comes before the Court on the party's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on June 4th, 2024 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially

ORDER FOR EAJA FEES, COSTS AND EXPENSES - 1

David Oliver & Associates
2608 South 47th Street, Suite C
Tacoma, WA 98409
(253) 472-4357
david@sslawyer.org

justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

Having thoroughly considered the party's briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$5,283.79 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

DATED this 23rd day of September, 2024.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

S/David P. OLIVER
David P. Oliver,
Attorney for Plaintiff